

Message Text

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ACTION EB-07

INFO OCT-01 EUR-12 ISO-00 CAB-02 CIAE-00 COME-00 DODE-00

DOT-00 INR-07 NSAE-00 FAA-00 PM-03 NSC-05 SP-02

SS-15 SSO-00 NSCE-00 INRE-00 L-03 IO-10 OIC-02 PRS-01

AF-06 ARA-06 EA-06 NEA-10 /098 W

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O R 281838Z MAY 75

FM AMEMBASSY PARIS

TO SECSTATE WASHDC IMMEDIATE 9856

INFO AMEMBASSY LONDON

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FOR WALDMANN FROM MILLER

E. O. 11652: N/A

TAGS: EAIR, UK, US

SUBJ: CIVAIR: IATA COMPLIANCE PROGRAM

1. RE ENDERS-WALDMANN TELCON MAY 28, BELOW IS TEXT OF COMPLIANCE PROGRAM AGREED UPON LAST WEEK BY IATA EXECUTIVE COMMITTEE AND GIVEN TO ENDERS BY HAMMARSKJOLD. SEPT-01 FOLLOWS REPORTING ENDERS MEETING WITH HAMMARSKJOLD AND ROGERS.

2. BEGIN TEXT. 1.

MULTILATERAL AGREEMENT TO OBSERVE RESOLUTIONS, ALSO INCORPORATING PRESIDENT OR CHIEF EXECUTIVE AUTHORIZATION FOR COMPLIANCE OFFICERS AND COMPLIANCE WITH FARES AND RATES IN 'OPEN RATE' SITUATIONS.

TEXT OF DRAFT AGREEMENT AMENDED TO INCORPORATE PROPOSALS 1(D) (PRESIDENT OR CHIEF EXECUTIVE AUTHORIZATION FOR COMPLIANCE OFFICERS) AND 3 (COMPLIANCE WITH FARES AND RATES IN 'OPEN RATE' SITUATIONS) TO BE CIRCULATED TO ALL MEMBERS AS SOON AS POSSIBLE AS

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UNANIMOUS PROPOSAL OF THE EXECUTIVE COMMITTEE.

THE DIRECTOR GENERAL TO DEVELOP PROGRAMME INVOLVING THE EXECUTIVE COMMITTEE AND TRAFFIC COMMITTEE MEMBERS AND HIS STAFF TO EXPLAIN THE INTENT, PURPOSE AND EFFECT OF AGREEMENT. AS PART OF THE PROGRAMME, THE DIRECTOR GENERAL WILL SEEK CO-OPERATION FROM REGIONAL CARRIER ORGANIZATIONS. ANY COMMENTS RECEIVED WILL BE EXAMINED BY THE EXECUTIVE COMMITTEE COMPLIANCE SUB-COMMITTEE, AND THE FINALISED AGREEMENT WILL BE APPROVED BY THE PRE-AGM EXECUTIVE COMMITTEE FOR SUBMISSION TO THE AGM. IN CIRCULATING THE DRAFT AGREEMENT TO MEMBERS, THE DIRECTOR GENERAL WILL INDICATE THAT IT IS PROPOSED TO AMEND THE TRAFFIC CONFERENCE PROVISIONS SO AS TO MAKE IT CLEAR THAT EXECUTION OF THE AGREEMENT IS A NECESSARY CONDITION FOR THE EXERCISE OF VOTING RIGHTS AT TRAFFIC CONFERENCES BY MEMBERS.

2. USE OF AUDITORS TO ASSIST COMPLIANCE.

THE DIRECTOR GENERAL WAS AUTHORISED TO ENGAGE THE SERVICES OF QUALIFIED AUDITORS TO INVESTIGATE, UNDER THE AUTHORITY OF THE IATA COMPLIANCE OFFICE, ANY SUSPECTED LARGE SCALE MALPRACTICE INVOLVING IMPROPER USE OF FUNDS. THE DIRECTOR GENERAL SHOULD IMPLEMENT THIS RECOMMENDATION AS SOON AS POSSIBLE. THIS PROCEDURE WOULD BE APPLIED WITHIN THE LIMITATION OF APPLICABLE LAWS.

3. INCREASE OF COMPLIANCE STAFF.

THE DIRECTOR GENERAL WAS AUTHORISED TO INCREASE THE COMPLIANCE STAFF IMMEDIATELY, AND FOR THIS PURPOSE, THE COMMITTEE APPROVED AN ADDITIONAL BUDGETARY PROVISION OF US\$300,000 FOR THE YEAR 1976 TO BE REALISED BY AN ADDITIONAL ASSESSMENT OF MEMBERSHIP DUES.

4. EXTENSION OF 'CEASE AND DESIST' PROVISIONS.

THE COMMITTEE APPROVED THE AMENDMENT TO PARAGRAPH 11 OF SECTION XII OF THE TRAFFIC CONFERENCE PROVISIONS TO EXTEND THE DIRECTOR GENERAL'S AUTHORITY TO ISSUE 'CEASE AND DESIST' ORDERS. IT WAS INTENDED THAT THIS EXTENDED POWER SHOULD BECOME EFFECTIVE IMMEDIATELY, AND IN THIS CONNECTION, COMMITTEE MEMBERS WERE REQUESTED TO URGE THEIR LIMITED OFFICIAL USE

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GOVERNMENTS TO GIVE PROMPT APPROVAL TO THE AMENDMENT.

5. LIAISON COMPLIANCE OFFICERS.

THE DIRECTOR GENERAL WAS AUTHORISED TO APPROACH MEMBERS FORTHWITH WITH A REQUEST THAT THEY DESIGNATE LIAISON COMPLIANCE OFFICERS WHO WOULD COOPERATE WITH THE IATA COMPLIANCE OFFICE AND WOULD FEED ALL INFORMATION OF ANY IMPROPER PRACTICES KNOWN TO THEM.

6. CHANNELLING COMPLIANCE ACTIVITY.

THE DIRECTOR GENERAL WAS INSTRUCTED TO DEPLOY THE
IATA COMPLIANCE FORCE IN THOSE AREAS WHERE IT WOULD
BE MOST FRUITFUL.

7. SUSPENSION OF COMPLIANCE ACTIVITY.

THE DIRECTOR GENERAL WAS REQUESTED TO ISSUE A
MAIL VOTE TO THE EXECUTIVE COMMITTEE TO AMEND TRAFFIC
CONFERENCE REGULATIONS SO AS TO GIVE HIM EXPLICIT

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AUTHORITY TO SUSPEND INVESTIGATIONS IN PARTICULAR
GEOGRAPHICAL AREAS, ROUTES OR MARKETS WHERE, DUE TO
PREDOMINANCE OF NON-IATA SERVICES, COMPLIANCE WITH
RESOLUTIONS MAY BE UNDULY PREJUDICIAL TO THE INTERESTS
OF MEMBERS.

8. REVISED APPEALS PROCEDURE.

THE DIRECTOR GENERAL TO ISSUE MAIL VOTE TO THE
EXECUTIVE COMMITTEE TO AMEND TRAFFIC CONFERENCE
REGULATIONS DEALING WITH THE APPEALS PROCEDURE SO
AS TO:

(I) ELIMINATE THE LEAVE TO APPEAL PROCESS W

WHICH PROVED TO BE CUMBERSOME AND EXPENSIVE;

(II) INCREASE THE MEMBERSHIP OF THE
APPEALS BOARD TO 4, THE COMMISSIONER NOT HAVING A VOTE;

(III) AUTHORISE THE APPEALS BOARD TO INCREASE
THE PENALTY IN ADDITION TO ITS PRESENT POWER TO
DECREASE THE PENALTY;

(IV) PROVIDE SECRETARIAT TO THE APPEALS BOARD
BY GENERAL COUNSEL'S OFFICE.

9. SPECIAL COMPLIANCE MODERATOR.

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A SPECIAL COMPLIANCE MODERATOR, TO ACT UNDER THE
AUTHORITY OF THE DIRECTOR GENERAL, SHOULD BE
APPOINTED AS SOON AS POSSIBLE. HIS TERMS OF REFERENCE
SHOULD INCLUDE CONSULTATION WITH MEMBERS ON A PRIVATE
AND CONFIDENTIAL BASIS IN A GIVEN AREA OR ROUTE. HE
WILL ASSIST MEMBERS DURING THE TRANSITION PERIOD TO
COMPLY WITH THE NEW AGENCY REMUNERATION PROGRAMME
OUTLINED IN DRAFT RESOLUTION 002B. THIS SHALL BE A
TEMPORARY APPOINTMENT TO TAKE EFFECT AFTER THE
ADOPTION OF THIS RESOLUTION.

END TEXT.

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